

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **LAURA MARGARITA SERRANO SANTANA**
SSN xxx-xx-2704

CASE NO: **23-00797-MCF**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$4,000.00** Paid Pre-Petition: **\$535.00** Outstanding (Through the Plan): **\$3,465.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$4,766.40**

Liquidation Value: \$6.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$6.00

With respect to the (amended) Plan date: **Sep 25, 2023 (Dkt 23)** **Plan Base: \$18,981.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: 22 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

Hacienda San Jose filed a secured claim (no. 5). The plan fails to include a provision for the payment of such debt. On 7/10/2023 Debtor filed Adversary case 23-00055. 21 Rule 7001(2) to determine the validity of the extent of lien against Hacienda San Jose Homeowners Association. This matter must be resolved before the confirmation of the plan.

Creditor Firstbank, has not accepted the terms of section 8.4 to include post petition arrears in the amount of \$1898.40.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor must explain why she was unable to maintain current payments with vehicle finance with Firstbank post petition.

***OTHER COMMENTS / OBJECTIONS**

NONE.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: October 17, 2023

/s/ Juliel Perez, Esq.

Last Docket Verified: 24 Last Claim Verified: 10 CMC: